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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,194

02/13/2004

Harold J. Goldberg

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8943

42624

7590

11/13/2008

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EXAMINER

DUONG, OANH L

ART UNIT

PAPER NUMBER

2455

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,194	<b>Applicant(s)</b> GOLDBERG ET AL.	
	<b>Examiner</b> OANH DUONG	<b>Art Unit</b> 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 8, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear why and how the identifier is utilized for executing the computer component to perform the problem resolution techniques.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigenbaum, US 2005/0038832 A1, in view of Gross et al. ("Gross"), US 7,275,016 B2.

Regarding claim 1, Feigenbaum teaches a computer-implemented method for monitoring a system, comprising:

detecting an error condition (i.e., “the error recovery module 308 captures an error and its corresponding error information”, Fig. 3 page 4 paragraph [0051]) in a network component (i.e., client 202, fig. 3), said error condition including an error identifier (i.e., error information includes identifier associated with the type of the error, page 4 paragraph [0051]);

obtaining electronic information corresponding to problem resolution techniques for the error identifier (i.e., the server queries the solution database for the solution corresponding to the error identified by the unique identifier, page 4 paragraph [0054]);

displaying the electronic information to an administrator in order to facilitate resolution of the error condition (page 2 paragraph [0029]); and

executing a computer component to perform the problem resolution techniques by utilizing the identifier for the network component (i.e., solutions are used by client computers to fix error, page 3 paragraph [0035]).

Feigenbaum does not explicitly teach an identifier for network condition, equipment of a type of the network component.

Gross, in the same problem or error resolution field of endeavor, teaches error condition including an identifier for a network component (i.e., col. 3 line 64-col. 4 line 13), and obtaining resolution for a type of the network component (col. 5 line 53-col. 6 line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an identifier for a network component and obtain resolution for a type of the network component as taught by Gross in Feigenbaum's system. One

would be motivated to do so to decrease the efforts and shorten the time for fixing problems (Gross, col. 2 line 48-49).

Regarding claim 2, Feigenbaun teaches the method as claimed in claim 1, wherein the network component comprises at least one of a router, a gateway and customer premises equipment (Figs 2-3, client 202).

Regarding claim 3, Feigenbaun teaches the method as claimed in claim 1, wherein the electronic information comprises at least one of an HTML document and an XML document (page 4 paragraph [0052]).

Regarding claim 4, Feigenbaun teaches the method as claimed in claim 1, wherein the computer component comprises at least one of a script, an executable program, and an active control (page 1 paragraph [0011]).

Regarding claims 5-7, Feigenbaun teaches the method as claimed in claim 1, wherein the step of detecting comprises connecting to the network component using IP-based communications (page 4 paragraphs [0051]-0052)).

Regarding claims 8-14, those claims comprises a computer program product for controlling a computer to monitor a telephone system, comprising a computer readable medium and instructions embedded in the computer readable medium for controlling the

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computer to perform method claims 1-7, discussed above, same rationale of rejection is applicable.

Regarding claims 15-20, those claims comprises system for performing method claims 1-7, discussed above, same rationale of rejection is applicable.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OANH DUONG whose telephone number is (571)272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oanh Duong/

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Primary Examiner, Art Unit 2455